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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,783	06/12/2002	Peter William Stratford	Q67462	2024
7:	590 01/10/2006		EXAM	INER
Sughrue Mion			TRUONG, KEVIN THAO	
2100 Pennsylva	ania Avenue NW			
Washington, DC 20037-3202			ART UNIT	PAPER NUMBER
			3731	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Summary	10/018,783	STRATFORD ET AL.				
Office Action Summary	Examiner	Art Unit				
	Kevin T. Truong	3731				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period of the specified period for reply will, by statute any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be timwill apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE.	. the mailing date of this communication. (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 31 O	ctober 2005 and 05 January 2005	<u>5</u> .				
2a) ☐ This action is FINAL . 2b) ☑ This	This action is FINAL . 2b)⊠ This action is non-final.					
, and the second	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>23-59</u> is/are pending in the application.						
•	4a) Of the above claim(s) <u>44-59</u> is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>23-28</u> is/are rejected.	6)⊠ Claim(s) <u>23-28</u> is/are rejected.					
7)⊠ Claim(s) <u>29-43</u> is/are objected to.	7) Claim(s) <u>29-43</u> is/are objected to.					
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examiner.						
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119		•				
•) (d) or (f)				
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) All b) Some * c) None of:						
 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
•.						
Attachment(c)		·				
Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail D	ate				
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 12/21/01. 5) Notice of Informal Patent Application (PTO-152) 6) Other:						

DETAILED ACTION

Note: This is in response to Pre. Amendment 12/21/2001. Previous restriction requirement 09/30/2005 has been withdrawn. New restriction requirement as follows:

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 23-43, drawn to a kit comprising a balloon catheter with stent mounted on its distal end, classified in class 623, subclass 1.12.
 - II. Claims 44-59, drawn to a method of assembly a balloon catheter, classified in class 128, subclass 898.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the balloon catheter as claimed can be made by another and materially different process which does not require after coating composition on the stent, then cure the coating composition to leave a coherent film of polymer on the exterior surface of the stent.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter; restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

During a telephone conversation with John Callahan on 01/05/2006 a provisional election was made without traverse to prosecute the invention of Group I, claims 23-43. Affirmation of this election must be made by applicant in replying to this Office action. Claims 44-59 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 23-28 are rejected under 35 U.S.C. 102(e) as being fully anticipated by Whitbourne (U.S. 5,997,517).

Whitbourne discloses in the Abstract and col. 3 and 4, wherein the entire axial length of the balloon and stent are provided with a coherent coating, wherein the polymer coating can be cross-linked and has pendent zwitterionic group.

Allowable Subject Matter

- 2. Claims 29-43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 3. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to disclose or suggest the polymer is formed of formula I-VIII as being claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin T. Truong whose telephone number is 571-272-4705. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic ...

Business Center (EBC) at 866-217-9197 (toll-free).

Kevin T. Truong Primary Examiner Art Unit 3731

ktt